



UNITED STATES DEPARTMENT OF EDUCATION

REGION II
75 PARK PLACE
NEW YORK, NEW YORK 10007

STUDENT FINANCIAL ASSISTANCE PROGRAMS

February 28, 2001

Dr. Barbara Gitenstein
President
The College of New Jersey
PO Box 7718
Ewing, New Jersey, 08628

Certified Mail
Return Receipt Requested

Re: Final Program Review Determination
PRCN 200040217754
OPEID 002642

Dear Dr. Gitenstein:

Thank you for your institution's response dated December 28, 2000, which our office received on January 12, 2001 in response to the December 8, 2000 Title IV program review report. That report covered The College of New Jersey's reporting under the Campus Security Act of 1990 for the 1996, 1997 and 1998 calendar years.

The New York Case Management Team has made final determinations for all of the findings in the program review report. The purpose of this Final Program Review Determination letter (FPRD) is to address those findings and close the program review.

The College of New Jersey has generally acknowledged the problem with the missing reportable sexual offenses on the Campus Security Reports (CSR), and has included corrected data regarding those reportable sexual offenses for 1997 on the current CSR. The College of New Jersey also indicated that it has either already implemented or is the process of implementing all of our recommendations for improving the CSR process.

Although we are satisfied that The College of New Jersey (The College) has taken the appropriate corrective actions to address our report recommendations, we do wish to comment on some issues raised in The College's response.

Missing Reportable Sexual Offenses (page 2 of the response) – The College indicated that the reported sexual offense for 1996 was determined to have been a fictitious report and therefore did not have to be reported. However, there was no documentation on file to indicate that this was in fact the final determination in this case. The last entry in the

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files made available during the program review indicated that a warrant was issued to the accused, and that the Ewing Police Department released the accused on bail. There was no documentation in the file to indicate that the victim filed a false report.

Reconciliation Problems with Reported Data (page 2 and 3 of the response) – The College is attempting to raise issue with the classification of crimes noted in our examples. The principle point we raised in this section of the report was that while the classification of crimes on the investigative reports is appropriately left to the investigating officer, there is no guaranty that the crimes will be properly classified for Unified Crime Reporting (UCR) and CSR purposes. Therefore, because of differences between state law and the UCR and CSR criteria as noted by The College in its response, it is necessary for someone familiar with all of those criteria to review all investigative reports and reclassify them as appropriate. It is also necessary to document which investigation reports are included in each UCR and CSR report and why any reclassifications were made. Based on the available documentation for the years reviewed, it was difficult to reconcile crimes reported under UCR and CSR to the investigative reports because of changes made in classification of crimes from the investigative reports to the UCR and CSR.

Conflicts in Reported Data (page 3 and 4 of the response) – The College is apparently attempting to raise issues regarding our comparison of the investigative reports, the UCR and CSR reports. The College indicated that the UCR and CSR criteria for reporting sexual offenses are different and therefore, the UCR and CSR will not have the same numbers of reportable offenses. By implication, The College is contending that the rest of the reported numbers on the UCR and CSR will also be different because of different reporting criteria. However, with the exception of sexual offenses, for which the CSR uses the National Incident Based Reporting System criteria, the criteria for reporting murders, robberies, aggravated assaults, burglary, motor vehicle theft, weapons, drug and liquor violations under CSR are identical to the UCR criteria. As shown in our report, the UCR and CSR generally agreed for the years reviewed, with only minor differences (although there should not be any reporting differences with the exception of sexual offenses given the common criteria). The primary purpose of our analysis was to show there were unreconciled differences between UCR and CSR and the investigative reports. For the years reviewed, there was no basis for determining which investigative reports were used for the UCR or the CSR. Therefore, there was no basis for an independent verification of the accuracy of the reported statistical data back to the source documentation, i.e., to the investigative reports.

Scope of Program Review (page 5 of the response) – The College indicates that we deviated from the scope of our review by attempting to make judgments regarding The College's compliance with UCR reporting requirements, and raising questions regarding the classification of crimes by experienced police officers. The purpose of our review was to determine the accuracy of The College's compliance with the CSR requirements for 1996, 1997 and 1998, including an allegation regarding the underreporting of sexual offenses, as stated in our letter to President Gitenstein. Since the CSR and UCR reporting

criteria are essentially the same (with the few exceptions previously noted), an understanding of the UCR process was essential to understanding The College's CSR reporting and for serving as a crosscheck in determining that all reportable crimes were included on the CSR. As previously noted, our concerns were not with how the crimes were reported by the investigative officers, but rather with The College's inability to reconcile the officer's investigative reports to the UCR and CSR reports given the sometimes different criteria between state and local law and UCR and CSR criteria. All of our recommendations were directed to improving the CSR reporting process, with no recommendations made addressing how The College's police officers should be preparing their investigative reports.

Although we believe that The College has taken appropriate corrective actions in response to our report, it does not change the fact that The College failed to properly report sexual offenses in 1996 and 1997 and had other reconciliation problems with reported data in 1996, 1997, and 1998. As a result of those problems, the New York Case Management Team is referring this FPRD to the Administrative Actions and Appeals Division (AAAD) for its consideration for a possible fine action pursuant to 34 CFR, Part 668, Subpart G of the Student Financial Assistance General Provisions. If AAAD initiates any action, its notification will include information on institutional appeal rights and procedures on how to file an appeal.

The institution should be aware that repeat findings in future program reviews or failure to satisfactorily resolve the findings of this program review may lead to additional administrative proceedings to fine, limit, suspend, or terminate the institution pursuant to Part 668, Subpart G, of the Student Assistance General Provisions regulations.

Furthermore, The College must ensure that your independent auditor confirms the resolutions of the program review findings during the institution's next SFA audit.

Record retention requirements that pertain to program records relating to the period of time covered by this program review appear at 34 CFR 668.24.

Your continued cooperation throughout the program review process is appreciated. If you have any questions concerning this final program review determination, please contact Thomas Whiting at 212-637-0519.

cc:

Reading File ✓
School File ✓
Correspondence File
Robert McKiernan
Thomas Whiting
Betty Coughlin
AAAD
Sean Avnet Morse
Martin Hammond-Paluden

Sincerely,



Robert J. McKiernan, Area Case Director
Case Management Division - Northeast
New York Team